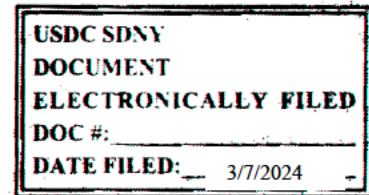


**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**



-----X
JOHN WALDEN,

Petitioner,

19-CV-11409 (GBD)(SN)

-against-

ORDER

WALCOTT,

Respondent.
-----X

SARAH NETBURN, United States Magistrate Judge:

The Second Circuit Court of Appeals remanded this case for the Court to determine whether Petitioner's unexhausted claims are now procedurally barred. ECF No. 85. The Court requests briefing from the parties on that issue. Accordingly, by April 22, 2024, Respondent's counsel shall file a brief explaining whether Petitioner's unexhausted claims are procedurally barred. Petitioner shall respond by May 24, 2024.

Separately, on March 12, 2021, Petitioner erroneously filed an Amended Complaint raising § 1983 claims in this habeas corpus proceeding. ECF No. 55. That Amended Complaint listed the City of New York, Assistant District Attorney Shilpa Kalra, Detective James Meehan, Municipality of New York, District Attorney Cyrus Vance, and Detective Steve Stanley as Defendants. Due to that filing, the Clerk of Court terminated Walcott as a Respondent, and added the other individuals as Defendants. Five days later, the Court acknowledged that the Amended Complaint raised the same claims as those raised by Petitioner in Case No. 21-cv-0785, and the Clerk of Court accordingly filed the Amended Complaint in that docket. ECF No. 56. The docket

for this habeas corpus matter, however, continues to inaccurately reflect that Walcott is no longer a Respondent, and that the other parties are active Defendants.

To resolve these errors in the docket, the Clerk of Court is respectfully directed to vacate the Amended Complaint at ECF No. 55, to reinstate Walcott as Respondent, and to terminate all Defendants. Additionally, the Clerk of Court is respectfully directed to mail Petitioner the docket sheet for Case No. 21-cv-0785.

SO ORDERED.



SARAH NETBURN
United States Magistrate Judge

DATED: March 7, 2024
New York, New York